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NOTICE OF ALLOWANCE AND FEE(S) DUE

23990

7590

10/07/2010

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EXAMINER

PHUNG, LUAT

ART UNIT

PAPER NUMBER

2464

DATE MAILED: 10/07/2010

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/810,302	03/26/2004	Nhut Nguyen	2003.10.010.NS0	8022

TITLE OF INVENTION: APPARATUS AND METHOD FOR TESTING VOICE SYSTEMS IN A TELECOMMUNICATION NETWORK

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	01/07/2011

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE** OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail **Mail Stop ISSUE FEE**
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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

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I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

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nonprovisional	NO	\$1510	\$300	\$0	\$1810	01/07/2011

EXAMINER	ART UNIT	CLASS-SUBCLASS
PHUNG, LUAT	2464	370-352000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB-122) attached.
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB-47; Rev 03-02 or more recent) attached. Use of a **Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 _____
 (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 _____
 3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY AND STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
☐ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. **Change in Entity Status** (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____ Date _____
 Typed or printed name _____ Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.**

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Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 784 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 784 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability**Application No.**

10/810,302

Applicant(s)

NGUYEN ET AL.

Examiner

LUAT PHUNG

Art Unit

2464

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Request for Continued Examination filed 7 September 2010.
2. ☒ The allowed claim(s) is/are 1,2,6-12,16-21 and 24 (renumbered 1-16, respectively).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

/Luat Phung/
Examiner, Art Unit 2464

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.
2. Authorization for this examiner's amendment was given in a telephone interview with Elizabeth Pham, on 29 September 2010.
3. The application has been amended as follows:

IN THE CLAIMS:

1. (Currently Amended) For use in a telecommunication network, an apparatus for testing a telecommunication device comprising switching fabric including a plurality of voice paths, said apparatus comprising:

a test controller configured to receive a test call initiation message directed to the test controller from an originating terminal, to prompt the telecommunication device to allocate one of the voice paths within the telecommunication device for a test call based on the test call initiation message, and to establish a call connection for the test call between the originating terminal and a destination terminal via the allocated voice path and a packet-switched network to test the allocated voice path;

wherein the test controller comprises a simulator configured to verify a connection to the originating terminal through a signaling connection between the test controller and the originating terminal, wherein the connection is verified by simulating a connection to the originating terminal using a test call comprising at least one voice path within the switching-fabric; fabric, and

wherein the originating terminal and the destination terminal are Session Initiation Protocol (SIP) phones, and the test call initiation message is an INVITE message addressed to an Internet Protocol (IP) address of said test controller.

2. (Original) The apparatus as set forth in Claim 1 wherein the voice paths comprise time division multiplexed (TDM) switched circuits.

3.-5. (Canceled)

6. (Currently Amended) The apparatus as set forth in Claim 1 wherein said test controller is configured to send a signaling message to an IP address of the destination terminal.

7. (Original) The apparatus as set forth in Claim 1 wherein said test controller is configured to send a signaling message to a device controller within said telecommunication device, said device controller allocating the allocated voice path.

8. (Previously Presented) The apparatus as set forth in Claim 1 wherein the allocated voice path provides a connection to a media gateway for converting between circuit-switched voice and packet-switched voice.

9. (Currently Amended) A telecommunication system for testing a telecommunication device comprising switching fabric including a plurality of voice paths, said telecommunication system comprising:

an originating terminal configured to generate a test call initiation message; and
a test controller configured to receive the test call initiation message from the originating terminal, the test call initiation message being directed to the test controller, to prompt the telecommunication device to allocate one of the voice paths within the telecommunication device for a test call based on the test call initiation message, and to establish a call connection for the test call between the originating terminal and a destination terminal via the allocated voice path and a packet-switched network to test the allocated voice path;

wherein the test controller comprises a simulator configured to verify a connection to the originating terminal through a signaling connection between the test controller and the originating terminal, wherein the connection is verified by simulating a connection to the originating terminal using a test call comprising at least one voice path within the switching ~~fabric~~, fabric, and

wherein the originating terminal and the destination terminal are Session Initiation Protocol (SIP) phones, and the test call initiation message is an INVITE message addressed to an Internet Protocol (IP) address of said test controller.

10. (Original) The telecommunication system as set forth in Claim 9 wherein the voice paths comprise time division multiplexed (TDM) switched circuits.

11. (Original) The telecommunication system as set forth in Claim 9, further comprising:

a media gateway connected to said telecommunication device and the packet-switched network to convert between circuit-switched voice transmitted by said telecommunication device and packet-switched voice transmitted over the packet-switched network, the allocated voice path being connected to said media gateway for the test call.

12. (Previously Presented) The telecommunications system as set forth in Claim 9, wherein said telecommunication device comprises:

switching fabric including a plurality of voice circuits for switching voice calls; and

a controller operable to receive a signaling message from said test controller to establish the call connection for the test call through the packet-switched network, said controller being further operable to allocate one of the voice circuits for the test call to test the allocated voice circuit.

13.-15. (Canceled)

16. (Currently Amended) The telecommunication system as set forth in Claim [[14]] 9 wherein said test controller is configured to send a signaling message to an IP address of the destination terminal.

17. (Original) The telecommunication system as set forth in Claim 9 wherein said test controller is configured to send a signaling message to a device controller within said telecommunication device, said device controller allocating the allocated voice path.

18. (Original) The telecommunication system as set forth in Claim 9 wherein said telecommunication device is a switch.

19. (Original) The telecommunication system as set forth in Claim 18 wherein said switch is a mobile switching center.

20. (Currently Amended) For use in a telecommunication system comprising a telecommunication device, said telecommunication device comprising switching fabric including a plurality of voice paths, a method of testing the voice paths in said telecommunication device, the method comprising the steps of:

receiving a test call initiation message directed to a test controller from an originating terminal;

sending a signaling message to the telecommunication device to allocate one of the voice paths for a test call in the telecommunication device based on the test call initiation message;

verifying a connection to the originating terminal through a signaling connection between the test controller and the originating terminal, wherein the connection is verified by simulating a connection to the originating terminal using a test call comprising at least one voice path within the switching fabric;

establishing a connection between the originating terminal and a destination terminal for the test call through a packet-switched network using the allocated voice path; and

testing the allocated voice path during the test[[call.]]call.

wherein the originating terminal and the destination terminal are Session Initiation Protocol (SIP) phones, and the test call initiation message is an INVITE message addressed to an Internet Protocol (IP) address of said test controller.

21. (Original) The method as set forth in Claim 20 further comprising the step of converting between circuit-switched voice transmitted by said telecommunication device and packet-switched voice transmitted over the packet-switched network.

22. (Canceled)

23. (Canceled)

24. (Currently Amended) The method as set forth in Claim [[22]] 20 wherein said establishing further comprises sending a signaling message from the test controller to an IP address of the destination terminal.

REASON FOR ALLOWANCE

4. The following is an examiner's statement of reasons for allowance:

Regarding independent claims 1, 9 and 20, the prior art of record fails to anticipate or render obvious "wherein the originating terminal and the destination terminal are Session Initiation Protocol (SIP) phones, and the test call initiation message is an INVITE message addressed to an Internet Protocol (IP) address of said test controller" in combination with the other limitations of the claims. It is noted that the closest prior art references Goodman (US 7,173,910) and Baj (US 2002/0145979) shows establishing test calls and verifying voice path as recited in the last office action. However, they fail to disclose or render obvious the above quoted limitations as claimed.

Dependent claims 2, 6-8, 10-12, 16-19, 21 and 24 being further limiting to the independent claims, and enabled by the specification, are also allowed.

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUAT PHUNG whose telephone number is (571)270-

3126. The examiner can normally be reached on M-Th 7:30 AM - 5:00 PM, F 7:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on 571-272-3139. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/L. P./
Examiner, Art Unit 2464

/Ricky Ngo/

Supervisory Patent Examiner, Art Unit 2464